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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,543	11/08/2001	Barry Allen Griffith	01-160	2742

22206 7590 02/03/2004

FELLERS SNIDER BLANKENSHIP  
BAILEY & TIPPENS  
THE KENNEDY BUILDING  
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TULSA, OK 74103-3318

EXAMINER

ALVO, MARC S

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/008,543

Applicant(s)

GRIFFITH

Examiner

Steve Alvo

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 24-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

The restriction requirement is repeated and made Final. Applicant's arguments have been considered but are not convincing. As set forth in the last Office Action:

Inventions I, II, V and III, IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product of Groups III and IV could be made by other processes such as alcohol pulping processes. The products of Group III and IV do not require the refining or pulping of Group I or adding a reduced paper to a reduced feather of Group II or the cleaning agent of Group V and could be made by different processes, such as defibrillating feathers containing paper.

Inventions I and II and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case Group I does not require adding a reduced paper as required by Group II or the cleaning agent of Group V and Group II does not require refining or pulping of Group I or the cleaning agent of Group V. The inventions therefore have different modes of operation.

Because these inventions are distinct for the reasons given above and have required a separate status in the art as shown by their different classification restriction for examination purposes as indicated is proper.

Applicant elected Group I, drawn to a method of comminuting feathers. Claims 36-45 are withdrawn from consideration as being drawn to non-elected inventions. These claims should be cancelled.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over DAVENPORT.

DAVENPORT teaches (column 20, lines 9-15) "...the disposal of poultry carcasses and *feathers* is a particular problem due to the great bulk of the *feathers*. Both the multishear dispersion grinder 82 and the disk attrition mill 12 can easily reduce these *feathers* to a compact size for further use or disposal prior to hydrolization with any of the systems illustrated in FIGS. 1-15." Figures 1-15 include refiners and pulpers (hydropulper). See Figure 1 for a pulper and refiner. Any difference would have been an obvious modification of DAVENPORT.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over GASSNER, III et al (5,705,030) with or without DAVENPORT.

GASSNER, III et al teaches process feathers comprising the step of reducing the feathers in a mechanical reducing apparatus which grinds, shreds, shears, grinds, mills and beats the feathers (GASSNER, III et al; column 3, lines 25, 38 and 40; column 5, lines 1-2 and column 6, lines 24-25). The claimed refiner or pulper read on the grinding, shearing, shredding, milling and beating taught by GASSNER, III et al, especially the grinding mill in column 3, line 38. If the mechanical treatment of GASSNER, III et al is not a refiner or pulper then DAVENPORT teaches (column 20, lines 9-15) "...the disposal of poultry carcasses and *feathers* is a particular problem due to the great bulk of the *feathers*. Both the multishear dispersion grinder 82 and the disk attrition mill 12 can easily reduce these *feathers* to a compact size for further use or disposal prior to hydrolization with any of the systems illustrated in FIGS. 1-15." Figures 1-15 include refiners and pulpers (hydropulper). See Figure 1 for a pulper and refiner. It would have been obvious to one of ordinary skill in the art to use the pulper and/or refiner of DAVENPORT to comminute the feathers of GASSNER, III et al for the reduced cost taught by DAVENPORT (column 1, lines 40-42). See GASSNER, III et al, Figures 4A and 4B for separating the quill from the fibers; See column 5, lines 1-9 for treating the feathers with chemical cleaning agents during comminuting, including peroxide; line 41 for adding a binder; line 20-26 for adding detergents; line 67 for extrusion (molding) and pressing; lines 31-34, for molding objects of various sizes and shapes and for forming sheets. See column 7, line 11 for combining the feathers with other fibers to form a paper sheet.

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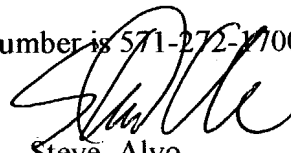
Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over GASSNER, III et al (5,705,030) with or without DAVENPORT as applied to claim 21 above, and further in view of GOLDSTONE (4,098,629).

GOLDSTONE teaches molding fibers, including chicken feathers (column 4, line 63), to form articles of various shapes using a vacuum mold (column 12, line 29). It would have been obvious to use the vacuum mold of GOLDSTONE to form the shaped articles of GASSNER, III et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Alvo whose telephone number is 571-272-1185. The examiner can normally be reached on 6:00 AM - 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1700.



Steve Alvo  
Primary Examiner  
Art Unit 1731

msa  
January 23, 2004